IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 625 OF 2001

M/s Ekta Electronics & Anr ...Applicants

V/s.

Jal Eshwar Singh & Anr ...Respondents

.....

Mr. Shailesh G. Singh h/f J.P. Singh for applicants

Mr. I.S. Thakur, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATE : 19TH AUGUST, 2004

P.C..

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are mainly seeking quashing of process issued against them in case No. 31/S/2000 pending before the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai. The said case is mainly U/sec. 138 of Negotiable Instruments Act.

3. The Apex Court has observed in the case of **Rajendra Sitaram Pandey Vs. Uttam and Another reported in (1999) 3 SCC 134,** that the order of the Magistrate directing issuance of process is not an interlocutory order and is therefore, amenable to revisional jurisdiction. Hence, in my opinion, it

would be appropriate that the applicants prefer Revision Application before the concerned Sessions Court against the order of the learned Magistrate. In the alternative the applicants can prefer an application for discharge/recalling of process before the concerned Magistrate. In order to enable the applicants to approach the concerned Court, the proceeding in case No.31/S/2000 pending before the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai are stayed for a period of three weeks from today.

4. This application is disposed of.

5. Authenticated copy of this order be made available to the parties.